

PAUL L. TOLLEY
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2011 March 3

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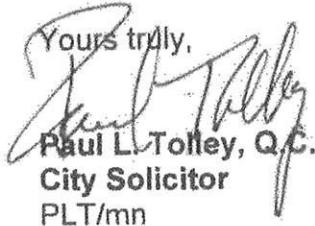
Alderman John Mar
Alderman, Ward 8
Aldermanic Offices (8001)

Dear Alderman Mar:

RE: Pecuniary Interest – Municipal Government Act (“MGA”)

As we have recently discussed, Section 170 of the MGA states that a councillor has a pecuniary interest in a matter if the matter “could” monetarily affect the councillor. Note that the words used are “could” not “will”. In a situation where the issue could affect a personal financial interest of the member of council, either positively or negatively, the relevant sections of the Act apply. Once a pecuniary interest has been identified the member of council must declare it and not vote on the matter either at council or committee. Section 172 of the MGA requires the councillor to make public disclosure of the pecuniary interest and refrain from voting on the matter. Section 174 of the MGA indicates that a contravention of Section 172 of the MGA disqualifies a member of council from further sitting on council.

With respect to your situation, as I understand it, you intend to apply for and construct a secondary suite in your place of residence. In your case your application has been made to the City. In this situation voting on a particular course of action in the secondary suites debate could make it easier and less expensive for you to obtain approval of these suites in your residence, as well as enhance the market value of your personal real estate should the suite be built. As a result I believe that you have a pecuniary interest in this matter.

Yours truly,

Paul L. Tolley, Q.C.
City Solicitor
PLT/mn

2011/03/03 2:55 PM
H:\MyFiles\Letter to Alderman Mar re pecuniary interest - MGA.doc 12th Floor, 800 Macleod Trail S.E., Calgary, AB T2G 2M3, FAX (403) 268-4634

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